

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

In re: SEAN M. MURRAY

Case No. 17-44157-JUL -b A 8:42  
Chapter: 7

Debtor(s)

**APPLICATION IN SUPPORT OF  
ORDER TO SHOW CAUSE**

To the Hon. Elizabeth S. Stong, Bankruptcy Judge;

SEAN M. MURRAY, Debtor Pro Se and Movant herein, makes this application in support of an Order to Show Cause to seek entry of an Order to cancel sale of Debtor's property and Hold Dennis Jose, Esq. and Ehret Anne Van Horn, Esq. of Gross Polowy LLC, Attorneys for Specialized Loan Servicing, LLC ("SLS"), Gross Polowy LLC, Ms. Annette Heebner of SLS and SLS in contempt of court, seeking sanctions, costs and punitive/treble damages for failing to participate in loss mitigation in good faith by scheduling a sale of Debtor's property in violation of the Order (docket no. 55) directing the Debtor and Creditor Nationstar Mortgage LLC, d.b.a. Mr. Cooper d.b.a. Specialized Loan Servicing to participate in the Loss Mitigation Program.

In support of the relief requested, I hereby allege as follows:

Attached as Exhibit A is SLS's letter dated June 22, 2018 giving notice of a scheduled sale date of August 2, 2018 of Debtor's property subject to the LOSS MITIGATION ORDER (docket no. 55). SLS's letter references the instant bankruptcy case and discharge injunction, alleges severe delinquency and informs of a referral for foreclosure and scheduled sale date. LOSS MITIGATION PROGRAM PROCEDURES sections VI. (B) and VII. (A) prohibits foreclosure of the property and requires a party to participate in good faith. SLS has violated the LOSS MITIGATION ORDER by scheduling a sale before the August 9, 2018 hearing. Attorneys and Representatives for SLS have failed and refused to participate in good faith and have scheduled the property for foreclosure sale while subject to loss mitigation twice.

WHEREFORE, Movant prays for the entry of an Order to Show Cause granting requested relief.

Dated: Thursday, July 5, 2018

By: SEAN M. MURRAY  
SEAN M. MURRAY  
P.O. BOX 1110  
ALBANY, NEW YORK 12201-1110

**EXHIBIT A - June 22, 2018 letter**

Specialized Loan  
**Servicing**  
Part of the ComputerShare Group

June 22, 2018

Sean Murray  
P.O. Box 1110  
Albany, NY 12201

RE: Loan Number: [REDACTED] 9508  
3521 79<sup>th</sup> Street 4E  
Jackson Heights, NY 11372

Dear Sean Murray,

This letter is in response to your correspondence dated May 31, 2018 and received by Specialized Loan Servicing LLC ("SLS") on June 4, 2018 requesting servicing information for the above referenced mortgage account.

We understand the account was included in a Chapter 7 bankruptcy that was discharged on December 8, 2017. SLS is obligated under federal bankruptcy law to comply with the requirements of the mandatory discharge injunction. Accordingly, the information contained in this letter is for informational purposes and is not an attempt to collect a debt or impose personal liability with respect to any portion of the debt that may be discharged. For your information, the account is currently due for the September 1, 2014 contractual monthly payment and every payment that has come due thereafter.

While there is no debt for us to validate due to the Chapter 7 bankruptcy discharge impacting the mortgage account, the security instrument remains as a lien on the property unless and until the contractual account balance is voluntarily paid in full or a foreclosure is completed. Due to the severity of the delinquency, the account has been referred to foreclosure. The sale date is August 2, 2018.

Your correspondence provided a different mailing address than what we have on file. If your address has changed, please send us notice of your mailing address to the contact information listed on this letterhead.

Our records indicate we responded to your written request dated February 24, 2018 and your dispute filed with the Consumer Financial Protection Bureau (CFPB) on March 22, 2018.

With regard to fees on the account, fees are assessed to the mortgage loan per the terms of the Promissory Note and Deed of Trust. Fees assessed to the account can include but are not limited to: late fees, foreclosure fees, Broker's Price Opinions (BPO), and property inspections. Please refer to the previously provided Note and Deed of Trust for the terms regarding the assessment of fees. Please refer to the enclosed payment history for fees that have been assessed to the mortgage loan.

We are unable to waive the fee balance on the account as requested in your dispute. The fees are valid and will remain on the account until they are satisfied.

Your dispute references issues that occurred with the prior servicer. SLS acquired servicing of the mortgage loan account on December 18, 2017. Therefore, SLS does not have records pertaining to that time frame and SLS did not conduct the transactions you mention. Please contact your prior servicer to obtain the records and information necessary to resolve the portion of your dispute relating to a payoff amount sent to the prior servicer. All information presented is for the time SLS has serviced this account.

We have reviewed your Request for Information. Your request seeks data, information or materials that constitute or contain Confidential, Proprietary or Privileged information. As a result, SLS is not required to provide the information you are requesting under the requirements of RESPA and Regulation X.

Specialized Loan  
**Servicing**

Part of the Computershare Group

All requests for any agreements other than those to which you are a signatory party are beyond the scope of a Qualified Written Request and, accordingly, are not being provided. These requests include, but are not limited to, internal accounting procedures, vendor information, life-of-loan transfer information, contractual servicing agreements with investors, title opinions and publications by entities outside of SLS. We are not required to provide life-of-loan transfer information. Non-signatory agreements, such as servicing and pooling agreements, fall outside the scope of a Qualified Written Request and will not be addressed. SLS services this account based on the terms of the Note and Deed of Trust and does not adhere to any additional stipulations indicated in your Qualified Written Request ("QWR").

At this time, the account is due for the September 1, 2014 contractual payment in the amount of \$1,157.05. Regarding your request for information about the application of payments, we are enclosing the account payment history with SLS. There is no escrow account associated with this mortgage account.

In your correspondence, you also requested information concerning the current owner of the account. That information is below:

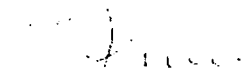
Current owner: Federal Home Loan Mortgage Corporation  
8200 Jones Branch Drive  
McLean, VA 22102

SLS as the servicer of the account has been authorized by the investor that owns the account to address all correspondence regarding this account.

We have researched this account and our records indicate that the account status described in your dispute was not in error. We trust that we have responded to your concerns. You have a right to request the documents relied on by SLS in reaching the determinations communicated in this letter by contacting us at the number below, but please note that SLS has already enclosed them for your reference.

If you have any questions regarding this information, please contact Bankruptcy toll free at 1-855-632-6631, Monday through Friday, 6:00 a.m. until 6:00 p.m. MT. SLS accepts calls from relay services on behalf of hearing impaired borrowers.

Sincerely,



Karina, Teller ID 20233  
Disputes Associate  
Specialized Loan Servicing LLC

Enclosure(s)

**PLEASE SEE IMPORTANT DISCLOSURES ON THE FOLLOWING PAGE**

8742 Lucent Blvd., Suite 300, Highlands Ranch, CO 80129  
[www.SLS.net](http://www.SLS.net)  
Specialized Loan Servicing LLC NMLS ID 2168



Part of the ComputerShare Group

**SPECIALIZED LOAN SERVICING LLC IS REQUIRED BY FEDERAL LAW TO ADVISE YOU THAT THIS COMMUNICATION IS FROM A DEBT COLLECTOR.**

**BANKRUPTCY NOTICE - IF YOU ARE A CUSTOMER IN BANKRUPTCY OR A CUSTOMER WHO HAS RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT: PLEASE BE ADVISED THAT THIS NOTICE IS TO INFORM YOU OF THE STATUS OF THE MORTGAGE SECURED BY THE SUBJECT PROPERTY. THIS NOTICE CONSTITUTES NEITHER A DEMAND FOR PAYMENT NOR A NOTICE OF PERSONAL LIABILITY TO ANY RECIPIENT HEREOF, WHO MIGHT HAVE RECEIVED A DISCHARGE OF SUCH DEBT IN ACCORDANCE WITH APPLICABLE BANKRUPTCY LAWS OR WHO MIGHT BE SUBJECT TO THE AUTOMATIC STAY OF SECTION 362 OF THE UNITED STATES BANKRUPTCY CODE. IF YOU RECEIVED A DISCHARGE OF THE DEBT IN BANKRUPTCY, WE ARE AWARE THAT YOU HAVE NO PERSONAL OBLIGATION TO REPAY THE DEBT. WE RETAIN THE RIGHT TO ENFORCE THE LIEN AGAINST THE COLLATERAL PROPERTY, WHICH HAS NOT BEEN DISCHARGED IN YOUR BANKRUPTCY, IF ALLOWED BY LAW AND/OR CONTRACT. IF YOU HAVE QUESTIONS, PLEASE CONTACT US AT 1-800-306-6057.**

**SUCCESSORS IN INTEREST - IF YOU ARE IN RECEIPT OF THIS COMMUNICATION PURSUANT TO YOUR STATUS AS A SUCCESSOR IN INTEREST TO THE SUBJECT PROPERTY, THIS NOTICE DOES NOT MAKE YOU LIABLE FOR THE MORTGAGE DEBT. UNLESS YOU ARE PERSONALLY LIABLE FOR OR HAVE ASSUMED THE MORTGAGE LOAN, YOU CANNOT BE REQUIRED TO USE YOUR ASSETS TO PAY THE MORTGAGE DEBT. THE LENDER HAS A SECURITY INTEREST IN THE PROPERTY AND A RIGHT TO FORECLOSE ON THE PROPERTY, WHEN PERMITTED BY LAW AND AUTHORIZED UNDER THE MORTGAGE LOAN CONTRACT.**

8742 Lucent Blvd., Suite 300, Highlands Ranch, CO 80129

[www.SLS.net](http://www.SLS.net)

Specialized Loan Servicing LLC NMLS ID 2168

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

SEAN M. MURRAY

Case No.: 1-17-44157-ess

Chapter: 7

**CERTIFICATION OF SERVICE**

The undersigned certifies that on Thursday, July 5, 2018, a copy of the annexed papers:  
APPLICATION IN SUPPORT OF ORDER TO SHOW CAUSE, were served by  
depositing same, enclosed in a properly addressed postage-paid envelope, in an official  
depository under the exclusive care of the United States Postal Service within the State of  
New York, upon:

1. Richard J. McCord, Chapter 7 Trustee  
Certilman Balin Adler & Hyman  
90 Merrick Avenue  
East Meadow, NY 11554
2. Miriam Rosenblatt, Esq.  
Robertson, Anschutz & Schneid, P.L., Bankruptcy Department  
6409 Congress Avenue, Suite 100  
Boca Raton, Florida 33487
3. Ehret Anne Van Horn, Esq.,  
Gross Polowy, LLC  
1775 Wehrle Drive, Suite 100  
Williamsville, NY 14221

Dated: Thursday, July 5, 2018

By: SEAN M. MURRAY  
SEAN M. MURRAY